

### **301 KAR 6:040. Zoning or marking of waterways.**

RELATES TO: KRS 235.285, 235.310, 235.315, 33, 33 C.F.R. Part 329

STATUTORY AUTHORITY: KRS 235.280, 33 C.F.R. 1, Subpart 66.10

NECESSITY, FUNCTION, AND CONFORMITY: KRS 235.280 authorizes the department to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of Kentucky waters. This administrative regulation establishes the methods used to mark waterways in conformity with 33 C.F.R. 1, subpart 66.10 and restricts certain boating activities on some Kentucky waters.

Section 1. Definitions. (1) "Navigable waters" means a navigable waterway as defined by 33 C.F.R. Part 329.

(2) "Non-navigable" means all waters not defined by subsection 1 of this section.

(3) "Recreational vessel" means a vessel that is not documented as commercial by the U.S. Coast Guard.

Section 2. General Requirements. (1) A person shall not zone, or place buoys or signs:

(a) On non-navigable waters without first obtaining written approval from the department.

(b) On navigable waters without first obtaining written approval from the department with concurrence by:

1. The United States Coast Guard;
2. The United States Army Corps of Engineers; or
3. The Tennessee Valley Authority.

(2) A person shall not moor a vessel to a buoy or navigational aid that is not specifically designated as a mooring device.

Section 3. Zoned Waterways. (1) On Herrington Lake, a person shall not:

(a) Ski except along the main lake channel; or

(b) Operate a motorboat at greater than idle speed in inlets;

(2) A person shall not ski on the Big Sandy River.

(3) A person, between the Second Street Bridge and the McAlpine Dam on the Ohio River;

(a) Shall not operate recreational vessels except:

1. To lock through the McAlpine Dam; or
2. To dock at the Louisville Municipal Wharf.

(b) Shall remain within the confines of the commercial channel.

(4) A person shall not operate a motorboat at faster than idle speed on the Salt River in Mercer County.

(5) A person, between the Brent Spence Bridge and the Daniel Carter Bear Bridge on the Ohio River, shall not:

(a) Operate a recreational vessel at greater than idle speed during the period from sunset to sunrise;

(b) Operate a recreational vessel at greater than idle speed within 300 feet of any:

1. Marina;
2. Boat docking facility;
3. Boat gasoline dock;
4. Launch ramp;
5. Recreational boat harbor; or
6. Harbor entrance;

(c) Pull or tow any individual outside of the recreational vessel for a recreational purpose; or

(d) While operating a personal watercraft:

1. Jump the wake of another watercraft;
2. Perform abrupt turns; or
3. Engage in similar acrobatic maneuvers.

Section 4. Flotation devices near locks and dams. (1) A person shall not operate a vessel within an area designated or appropriately marked as a hazardous area below any lock or dam, unless each person aboard is wearing a U.S. Coast Guard approved flotation device of:

- (a) Type I;
- (b) Type II;
- (c) Type III; or
- (d) Type V.

(2) On the Kentucky River, a person shall not operate a vessel within 150 feet below any dam or within a designated or appropriately marked hazardous area, unless each person aboard is wearing a U.S. Coast Guard approved flotation device of:

- (a) Type I;
- (b) Type II;
- (c) Type III; or
- (d) Type V.

Section 5. 33 C.F.R. 1, Subpart 66.10, governing the uniform placement and characteristics of navigational and regulatory markers, is adopted without change. (21 Ky.R. 3097; eff. 7-12-95; 29 Ky.R. 791; 1334; eff. 11-13-02; 38 Ky.R. 1380; 1561; eff. 4-6-12.)